

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC

Plaintiff,

vs.

ASUS COMPUTER INTERNATIONAL

Defendant.

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Case No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendant ASUS Computer International (“ASUS”), and alleges:

THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.

2. On information and belief, ASUS is a corporation organized and existing under the laws of California, has a principal place of business at 800 Corporate Way, Fremont, California 94539, has designated its registered agent for purposes of service of process in Texas as Celeste D. Rincon, 1921 Cedar Bend Drive, Suite B100, Austin, Texas 78758-5326, and is doing business in this judicial district.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

4. Subject-matter jurisdiction over Traffic’s claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

5. On information and belief, ASUS has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas.

6. On information and belief, ASUS has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district.

7. ASUS is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

INFRINGEMENT OF THE '862 PATENT

9. Traffic realleges and incorporates by reference the allegations in paragraphs 1-8.

10. On October 15, 2002, U.S. Patent No. 6,466,862 ("the '862 patent"), entitled "System For Providing Traffic Information" was duly and legally issued. A Reexamination Certificate for the '862 patent issued on June 7, 2011. A true and correct copy of the '862 patent with the Reexamination Certificate is attached hereto as Exhibit 1. Traffic is the owner by assignment of all right, title and interest in and to the '862 patent, including the right to sue for and recover all past, present and future damages for infringement of the '862 patent.

11. ASUS, alone and in conjunction with others, has in the past and continues to infringe, contribute to infringement, and/or induce infringement of the '862 patent by making, using, selling, offering to sell and/or importing, and/or causing others to use, traffic information systems and products and services that alone or in combination with other devices are covered by at least one

claim of the '862 patent, and are liable for infringement of the '862 patent pursuant to 35 U.S.C. § 271.

12. ASUS's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from ASUS the damages sustained by Traffic as a result of ASUS's wrongful acts in an amount subject to proof at trial.

13. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless ASUS is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** ASUS has infringed the '862 patent;
- B.** ASUS account for and pay to Traffic all damages caused by its individual and/or joint infringement of the '862 patent as complained of herein in accordance with 35 U.S.C. § 284;
- C.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining ASUS, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of ASUS's patent infringement complained of herein;
- E.** Traffic be granted its reasonable attorneys' fees;
- F.** Costs be awarded to Traffic; and,
- G.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: October 20, 2011

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